IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6763 of 2007()

(IN CR.NO.207/2007 OF BADIADKA POLICE STATION)

PETITIONER/1ST ACCUSED:

ROBERT D'SOUZA, S/O. INAS D'SOUZA,
MANIYAMPARA, MAIRE VILLAGE.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No. 6763 of 2007

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Dated this the 7th day of November, 2007

ORDER

Application for regular bail. Petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 984 packets(each containing 100ml) of arrack on 13.10.07. The petitioner was arrested on the same day. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. It is prayed that the petitioner who was in custody from 13.10.07, may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. The petitioner has two other crimes under the Abkari Act registered against him. Investigation is not complete. Considering the nature and gravity of the allegations and the quantity of contraband articles involved, the State is obliged to oppose the application.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner, only if

this Court is in a position to entertain the twin satisfactions under Sec.41A of the Kerala Abkari Act. In the facts and circumstances of the case, I am not able to entertain either of the two satisfactions in the case like the instant one. I am satisfied that the Investigating Officer is entitled to reasonable further time to complete the investigation.

5. In the result this petition is dismissed. However I may hasten to observe that the petitioner shall be at liberty to move this Court for regular bail at later stages of investigation, not at any rate, prior to 21.11.07. The Investigators shall, in the mean time, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE